

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

SAMUEL R. GARDNER, II,
AIS #107989,

Plaintiff,

v.

LEON FORNISS, et al.,

Defendants.

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CASE NO. 2:07-CV-1063-WKW

ORDER

Upon review of the motion for leave to submit motion on filing fee/costs filed by the plaintiff on January 28, 2008 (Court Doc. No. 8), and for good cause, it is

ORDERED that this motion be and is hereby DENIED at this time. It is further

ORDERED that the plaintiff be GRANTED an extension from January 23, 2008 to and including February 11, 2008 to show cause why this case should not be dismissed as the Veteran's Administration will not allow him entry into any facility as he is an incarcerated person and, therefore, the action he seeks to compel cannot be undertaken by the defendants.

The plaintiff is *cautioned* that if he fails to file a response to this show cause directive the court will consider such failure as his acquiescence to dismissal of this cause of action. The plaintiff is advised that upon receipt of his response and/or the summary dismissal of this cause of action the court may reconsider his motion with respect to waiver

of fees and costs.

Done this 28th day of January, 2008.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE